

In The United States District Court For The  
Eastern District OF Oklahoma

Louis D Craft Jr.  
Plaintiff,

CASE NO:

CIV 19-266 JHP

vs.

Warden Raymond Byrd,  
Nurse Laura Nefee,  
Warden Mike Carpenter,

Jury trial Demanded

Deputy Warden Watlie Cooper,  
Kitchen Supervisor Ms. Little,  
Correctional Officer Galutza,  
Correctional Officer Schell,

Sued in their individual Capacities,  
Dr. Marklar, is Sued in his  
individual and official Capacity.

Defendants)

Jurisdiction

1) The Court has Jurisdiction over Plaintiff's  
Claims of federal Constitutional rights under 42 U.S.C  
§ 1331 (1) and 1343

Parties

2) The Plaintiff Louis D. Craft Jr is  
incarcerated at Oklahoma State Penitentiary (OSP.)  
Plaintiff was incarcerated at Cimarron Correctional (1)

Facility CCF, Owned at Operated by CoreCivic a Private Prison. Plaintiff was housed at OSP and CCF during the events described in this Complaint

3) Defendant Warden Raymond Byrd is the Warden at CCF.

4) Defendant Nurse Laura Netter is the Certified Health Care Administrator (CHSA) at CCF

5) Defendant Warden Mike Carpenter was the Warden at OSP, and is Sued in his individual Capacity

6) Defendant Deputy Warden Natalie Cooper was the Deputy Warden at OSP. She is Sued in her individual Capacity.

7) Defendant C/O Galutza is a Correctional Officer at OSP and is Sued in her individual Capacity

8) Defendant C/O Schell is a Correctional Officer at OSP and is Sued in his individual Capacity

9) Defendant Kitchen Supervisor Ms. Little is the Kitchen Supervisor at OSP and is Sued in her individual Capacity.

10) Defendant Dr. Marlar is the Health Care Provider at CSP and is sued in his official and individual capacity.

11) All Defendants acted under the Color of State Law.

### Facts:

12) On April 26, 2016, at CCF, Nurse Netee injected Plaintiff with a bacterium that causes painful canker sores to develop in Plaintiff's mouth. The bacterium unknown to Plaintiff was developed by Scientists at the National Institute of Dental Health. Nurse Laura Netee claimed the injection was the yearly Tuberculosis test.

13) Warden Raymond Byrd, Warden at CCF, ordered the injection April 26, 2016, Plaintiff's Birthday. Solely to retaliate for Plaintiff's legal activity against him, Core Civic, and various CCF employees. Nurse Netee was promoted to C.H.S.A for her participation in the ill-will, sadistic and malicious retaliation's.

14) July 24<sup>th</sup> 2017, Plaintiff was transferred from CCF to CSP.

15) Since Plaintiff's arrival to OSP Plaintiff dealt and deal with unreal retaliation's from OSP official's for his legal activity against OSP official's with his filing various Grievance's for numerous issue's. Plaintiff was O.C Sprayed, assaulted by official's twice, and received a Physical injury as a result. Plaintiff is forced to live with inmate informant's, who harass Plaintiff. Plaintiff is given food trays injected with an anaerobic bacterium injected in Plaintiff food, which immediately caused Painful Canker Sore's to develop in Plaintiff's mouth.

16) on December 6, 2018 at breakfast time C/O Salutza gave Plaintiff a food tray with the anaerobic bacterium injected in his food, which immediately caused a Painful Canker Sore to develop in Plaintiff's mouth making it hard to eat or drink or sleep.

17) on December 8, 2018 at dinner time C/O Salutza gave Plaintiff a food tray that contained the anaerobic bacterium injected in the food, which immediately caused another Painful Canker Sore to develop in Plaintiff's mouth. The Pain was so extreme Plaintiff suffered when he ate or tried to sleep.

18) On December 12, 2018, % Schell at Dintertime gave Plaintiff a food tray with the anaerobic bacterium injected in the food. which immediately caused a Painful Canker Sore to develop in Plaintiff's mouth. Plaintiff suffered with extreme Pain for weeks from the Cane of Canker Sores in Plaintiff's mouth.

19) % Salotra and % Schell received the Order's to give Plaintiff the Particular food tray with the injected anaerobic bacterium, through the Chain of Command from Warden Carpenter or Deputy Warden Cooper.

20) Detendant MS. Little. was ordered to inject the anaerobic bacterium in Plaintiff's food, from Warden Carpenter or Deputy Warden Cooper. which causes an immediate Painful Canker Sore to develop in Plaintiff's mouth.

21) Dr. Marklar was ordered not to provide adequate medical aid to Plaintiff from Warden Carpenter or Deputy Warden Cooper, which resulted in Plaintiff suffering with extreme Pain.

22) The bacterium injected in Plaintiff from Nurse Netee is irreparable. Plaintiff will have to live with this condition for the rest of his life.

23) Plaintiff's Continued Confinement at OSP, Subjects Plaintiff to more Physical abuse, because Plaintiff is indigent, and forced to eat the Prepared Kitchen Food trays.

### Exhaustion of Administrative Remedies

24) Plaintiff Properly exhausted all available administrative remedies for respect to all Claims for relief <sup>SEE</sup> Grievance's 216, 222 and 230, attached hereto, as Attachment - A

### Claims For Relief

25) The action from Warden Raymond Byrd to order Nurse Laura Netee April 26, 2016 to inject Plaintiff with a bacterium that's irreparable, which causes Painful Canker Sores to develop in Plaintiff's mouth, solely to retaliate, done maliciously and Sadistically Constitutes Cruel and Unusual Punishment, in Violations of the Plaintiffs' First, Eighth and Fourteenth

Amendment rights of the United States Constitution.

26) The actions from Warden Carpenter and Deputy Warden Cooper to utilize Plaintiff's Condition which Causes Painful Canker Sores to develop in Plaintiff's mouth, resulting in Plaintiff suffering for weeks with extreme Pain, done to Plaintiff without need or Provocation. Solely to retaliate constitutes Cruel and unusual Punishment violate Plaintiff's First, Eighth, and Fourteenth Amendment right to the United States Constitution

27) The action from Mrs. Little OS? Kitchen Supervisor. to inject an anaerobic bacterium in Plaintiff's food, and Place the food on the food Cart, with the Knowledge Plaintiff will eat the food, and develop a Painful Canker Sore in his mouth. Mrs. Little failure to intervene, and curb the Physical abuse, constitutes deliberate indifference to Plaintiff's health and safety violated Plaintiff's Eighth, and Fourteenth Amendment rights to the United States Constitution

28) The action from % Salotea and % Schell to give Plaintiff food trays infected with the anaerobic bacterium, which caused Painful Canker Sores to develop in Plaintiff's mouth for weeks. Constitute Cruel and unusual Punishment violated Plaintiff's Eighth and Fourteenth Amendment rights to the United States Constitution.

29) The failure of Dr. Morley to not provide adequate medical treatment for Plaintiff's Condition. Constitutes deliberate indifference to Plaintiff's serious medical needs violated Plaintiff's Eighth and Fourteenth Amendment rights to the United States Constitution

Relief Requested

Issue a declaratory judgment stating

1) The ill-will from Warden Raymond Byrd and Nurse Laura Neffee to infect Plaintiff with a bacterium which is rare Parable. that causes Painful Canker Sores to develop in Plaintiff's mouth solely done to retaliate violated Plaintiff's First, Eighth and Fourteenth Amendment rights to the United States Constitution.



2) The action from warden milke Carpenter and Deputy Warden Natlie Cooper to utilize Plaintiff's Condition to Cause him Physical harm Solely Done to Retaliate violated Plaintiff's First, Eighth and Fourteenth Amendment rights to the United States Constitution.

3) The action from ms little to inject an aerobic bacterium in Plaintiff's food with the Knowledge Plaintiff would suffer in Pain. violated Plaintiff's Eighth and Fourteenth Amendment rights to the United States Constitution.

4) The failure of Dr. Malar not to Provide Proper medical treatment to Plaintiff for his Serious medical needs violated Plaintiff's Eighth and Fourteenth Amendment rights to the United States Constitution

5) The action's from % Salutea and % Schell to Give Plaintiff food trays with the Knowledge he would suffer in Pain. violated Plaintiff's Eighth and Fourteenth Amendment rights to the United State Constitution

Issue an injunction ordering defendant's to

1) Immediately transfer Plaintiff from OSP to a different maximum security Prison

2) Defendant immediately arrange for Plaintiff to receive the proper medical treatment, arrange with qualified physician a dentist for Plaintiff's irreparable condition.

3) Immediately refrain from withholding Plaintiff mail from going out and coming in. Immediately refrain at OSP from withholding arrange phone conference between Plaintiff and attorney's

Award Compensatory damages in the following amount

1) \$ 100,000.00 jointly and severally against defendant's Byrd and Nettee, for the physical and emotional injuries Plaintiff sustained as a result of the bacterium unknown to Plaintiff worse than Nettee injected in him April 26, 2016

2) \$ 100,000<sup>00</sup> jointly and severally against Defendant's Carpenter, Cooper, Little, Schell and Galutza for the Physical and emotional injuries Plaintiff sustained as a result of utilizing Plaintiff's Condition to Physically harm Plaintiff.

Award Punitive Damages in the following amount

1) \$ 25,000<sup>00</sup> each against Defendant's Byrd, Netter for the ill-will and malice

2) \$ 25,000<sup>00</sup> each against Defendants, Carpenter, Cooper, Little, Schell, Galutza, and Dr. Mark for the ill-will and spite

Grant Such other relief as it may appear that Plaintiff is entitled

I declare under Penalty of Perjury that the foregoing is true and Correct Pursuant 28 U.S.C 31746

August 6, 2019



Mr. Lewis D. Craft Jr